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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,749	06/28/2001	Ikuo Sasazaki	826.1732	3645

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EXAMINER

PESIN, BORIS M

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,749

Applicant(s)

SASAZAKI ET AL.

Examiner

Boris Pesin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed:
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This communication is responsive to the amendment filed 05/24/2005.

Claims 1-13 are pending in this application. Claims 1, 9, 10, 11, 12 and 13 are independent claims. In the amendment filed 05/24/2005, Claims 1, 5, 6, 7, 8, 9, 10, 11, 12 and 13 were amended. This action is made Non-Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

"A process apparatus, comprising: a storage unit storing information about a discussion at an electronic conference; and a judgment unit calculating an index indicating an amount of the information stored about the discussion and said judgment unit judging whether to hold a face-to-face conference by comparing the index with a specific value" is non-statutory for at least the reason that it is not tangibly embodied in a manner so as to be executable.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 2, 6, 8, and 9 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoof, II (US 5440624) in view of Towell (US 6052680).

In regards to claim 1, Schoof teaches an apparatus, comprising: a storage unit storing information about a discussion at an electronic conference ("transcription and digital storage of a complete record of the conference, Column 3, Line 17). Schoof does not specifically teach a judgment unit calculating an index indicating an amount of the information stored about the discussion and said judgment unit judging whether to hold a face-to-face conference by comparing the index with a specific value." Towell teaches, "In the following, an exemplary system for determining whether to route an incoming e-mail to a rule-based system for responding to a product inquiry and/or a rule-based system for scheduling a meeting is described. Referring to FIG. 2, in this exemplary system, the message preprocessing process 260 is a text to word list

translation process (see, e.g., the process 600 of FIG. 6), the relevance determination process 280 is a process for determining a cosine distance (see, e.g., steps 502, 504 and 506 of FIG. 5) between an m-dimensional vector based on a preprocessed message and an m-dimensional vector based on a word list which characterizes a decision system, the decision system 1 process 220a is a rule-based decision process for scheduling a meeting, the decision system N process 220b is a rule-based decision process for responding to a product information request, the input/output interface process(es) 230 includes a SCSI adapter, the decision parameter(s) storage area 270 includes a predetermined threshold value between zero (0) and one (1), the firm data storage area 250 contains product information, and the user data storage area includes data regarding a salesperson's work schedule, times when he or she will be in the office, and a rank ordered list of others which will handle the salespersons e-mail in their absence." (Column 8, Line 5). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schoof with the teachings of Towell and include a rule based system to schedule a meeting when certain criteria is met with the motivation to provide the user with a simple method of scheduling a meeting when appropriate.

In regards to claim 2, Schoof and Towell teach all the limitations of claim 1. Towell further teaches an apparatus further comprising a notification unit notifying participants of the electronic conference of a holding of the face-to-face conference if said judgment unit determines to hold the face-to-face conference. (Figures 11-13).

In regards to claim 6, Schoof and Towell further the apparatus wherein said judgment unit uses a number of utterances in the discussion as the index, and if the number of utterances exceeds a specific value, said judgment unit determines to hold the face-to-face conference ("In the following, an exemplary system for determining whether to route an incoming e-mail to a rule-based system for responding to a product inquiry and/or a rule-based system for scheduling a meeting is described. Referring to FIG. 2, in this exemplary system, the message preprocessing process 260 is a text to word list translation process (see, e.g., the process 600 of FIG. 6), the relevance determination process 280 is a process for determining a cosine distance (see, e.g., steps 502, 504 and 506 of FIG. 5) between an m-dimensional vector based on a preprocessed message and an m-dimensional vector based on a word list which characterizes a decision system, the decision system 1 process 220a is a rule-based decision process for scheduling a meeting, the decision system N process 220b is a rule-based decision process for responding to a product information request, the input/output interface process(es) 230 includes a SCSI adapter, the decision parameter(s) storage area 270 includes a predetermined threshold value between zero (0) and one (1), the firm data storage area 250 contains product information, and the user data storage area includes data regarding a salesperson's work schedule, times when he or she will be in the office, and a rank ordered list of others which will handle the salespersons e-mail in their absence." (Towell, Column 8, Line 5)).

In regards to claim 8, Schoof and Towell teach the apparatus, wherein said judgment unit uses a data amount of the information stored about the discussion as the

index, and if the data amount exceeds a specific value, said judgment unit determines to hold the face-to-face conference ("In the following, an exemplary system for determining whether to route an incoming e-mail to a rule-based system for responding to a product inquiry and/or a rule-based system for scheduling a meeting is described. Referring to FIG. 2, in this exemplary system, the message preprocessing process 260 is a text to word list translation process (see, e.g., the process 600 of FIG. 6), the relevance determination process 280 is a process for determining a cosine distance (see, e.g., steps 502, 504 and 506 of FIG. 5) between an m-dimensional vector based on a preprocessed message and an m-dimensional vector based on a word list which characterizes a decision system, the decision system 1 process 220a is a rule-based decision process for scheduling a meeting, the decision system N process 220b is a rule-based decision process for responding to a product information request, the input/output interface process(es) 230 includes a SCSI adapter, the decision parameter(s) storage area 270 includes a predetermined threshold value between zero (0) and one (1), the firm data storage area 250 contains product information, and the user data storage area includes data regarding a salesperson's work schedule, times when he or she will be in the office, and a rank ordered list of others which will handle the salespersons e-mail in their absence." (Towell, Column 8, Line 5)).

Claims 9-13 are similar in scope to claim 1; therefore they are rejected under similar rationale.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoof, II (US 5440624) and Towell (US 6052680) in view of Garback et al. (US 5237499).

In regards to claim 3, Schoof and Towell teach all the limitations of claim 2. They do not teach an apparatus further comprising a reservation unit making reservations for facilities needed to hold the face-to-face conference if said judgment unit determines to hold the face-to-face conference, said notification unit notifies expected participants of information about reserved facilities. Garback teaches a method wherein, "The CPU is programmed to select an individual group member itinerary for the specific venue which includes specific airline flights, and if necessary, specific hotel accommodations and specific rental car services." (Abstract, Line 14). Garback further teaches, "A response message, such as is illustrated in FIG. 4, is formatted in step 69 to be returned to the individual group member traveler." (Column 7, Line 15). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schoof and Towell with teachings of Garback to include a method of reserving facilities needed to hold meetings with the motivation to provide a convenient process of organizing the facilities to host a meeting.

In regards to claim 4, Schoof, Towell, and Garback teach all the limitations of claim 3. Garback further teaches apparatus wherein said reservation unit makes reservations for transportation needed for the expected participants to participate at the face-to-face conference ("The CPU is programmed to select an individual group member itinerary for the specific venue which includes specific airline flights, and if

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necessary, specific hotel accommodations and specific rental car services.” Abstract, Line 14); and said notification unit notifies the expected participants of information about reserved transportation. (“A response message, such as is illustrated in FIG. 4, is formatted in step 69 to be returned to the individual group member traveler.” Column 7, Line 15).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schoof, II (US 5440624) and Scully et al. (US 5070470) in view of Newman et al. (US 6151575).

In regards to claim 5, Schoof and Scully teach all the limitations of claim 1. They do not teach the apparatus according to claim 1, wherein said judgment unit uses a number of speakers in the discussion as the index, and if the number of speakers exceeds a specific value, said judgment unit determines to hold the face-to-face conference. Newman teaches, “After the transforms are produced, the speaker count is incremented (step 630) and a determination is made as to whether the speaker count exceeds N.sub.s, the number of speakers (i.e., a determination is made as to whether transforms have been generated for all of the speakers) (step 635).” (Column 10, Line 31). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schoof and Scully with the teachings of Newman to include an apparatus to count the number of speakers and compare it against a certain number with the motivation to provide a convenient way of scheduling a meeting based on the user attendance.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US006101480A Conmy et al.

Teaches a scheduling program.

US005867822A Sankar

Teaches a scheduling program.

Inquiry


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BP


SECTION 101
PRIMARY EXAMINER